

March 15, 1996

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON

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DECISION ON APPEAL OF THRESHOLD DETERMINATION
OF ENVIRONMENTAL NON-SIGNIFICANCE (MITIGATED).

SUBJECT: Department of Development and Environmental Services File Nos. L95G0002 and
L95VA002

Appeals of Threshold Determination
of Non-Significance (Mitigated)
and
Application for Variance from
King County Sensitive Areas Code
HOBART PROPERTIES (MANKE LUMBER)

Property located near the intersection of Issaquah-Hobart Road S.E. and SR 18 at
approximately 29800 S.E. 208th Street, northeast of Hobart

Applicant: Manke Lumber Company
Property Owner: Manke Lumber Company
1717 Marine View Drive
Tacoma, WA 98422

Appellants: Harry and Lesley Morgan
Hobart Rural Association
20408 - 301st Avenue SE
Maple Valley, WA 98038

Rhys A. Sterling
PO Box 218
Hobart, WA 98025-0218

PRELIMINARY REPORT:

The Department's Report on the above-referenced appeals and application for variance was received by the Examiner on January 16, 1996. An amendment to the Preliminary Report was issued January 30, 1996.

PUBLIC HEARING:

After reviewing the Report of the Department of Development and Environmental Services and examining available information on file with the appeals and application, the Examiner conducted a public hearing at the Department of Development and Environmental Services as follows:

EXAMINER PROCEEDINGS:

	<u>Date</u>	<u>Opened</u>	<u>Adjourned or Closed</u>
Pre-hearing Conference	08/21/95	9:15 a.m.	11:15 a.m.
Oral Argument on Motions	12/14/95	9:15 a.m.	10:40 a.m.
Hearing	02/05/96	9:30 a.m.	4:25 p.m.
Hearing	02/06/96	9:25 a.m.	4:30 p.m.
Hearing	02/08/96	9:35 a.m.	4:10 p.m.
Hearing	02/09/96	9:25 a.m.	4:30 p.m.
Hearing	02/12/96	9:25 a.m.	4:20 p.m.
Hearing	02/13/96	9:25 a.m.	4:35 p.m.
Hearing	02/15/96	9:50 a.m.	6:30 p.m.
Hearing	02/20/96	9:20 a.m.	6:30 p.m.

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. On May 9, 1995, the King County Environmental Division issued a Mitigated Determination of Non-Significance (MDNS) for a grading permit to construct approximately 2.8 miles of new roads and upgrade 5.5 miles of existing roads within an area comprising 1,710 acres. The property lies southeast of State Route 18, east of the Issaquah-Hobart Road (276th Avenue S.E.) and north of S.E. 208th Street.
2. Timely appeals of the MDNS were filed by Hobart Rural Association and Rhys A. Sterling. The property is designated "rural" by the King County Comprehensive Plan. Although described as zoned "G-5 (General, 5 acres)" by the Mitigated Determination of Non-Significance, the actual zone classifications of the site at the time of application were G-5 on 1,288 acres and F-R (Forestry and Recreation) on 422 acres. The current zoning is RA-10 (Rural Area - 10 acres), and F (Forestry), respectively.
3. The pre-hearing order issued September 5, 1995, consolidated the appeals of the threshold determination (MDNS) with the pending application for variances from the King County Sensitive Areas Code, pursuant to ESHB 1724 and KCC 20.24.140.

The Department of Development and Environmental Services Preliminary Report to the Hearing Examiner (Exhibit No. 18) recommended denial of the request for variance to permit the crossing of steep slopes. The Department's report also stated that the request for variances to permit roads to cross wetlands is unnecessary. It was then expected by the Department that the request for road crossings of wetlands would be reviewed administratively, in conjunction with administrative review of the grading permit application. However, the Preliminary Report was modified by the Department at the opening of the hearing (see Exhibit No. 24), at which time it recommended deferral of action on the requested variance for wetland road crossings until such time as additional information is submitted by the applicant. No party objected to this deferral.

Pursuant to the pre-hearing order, all evidence in the record of this hearing will be part of the record for any future consideration of the applications for Sensitive Areas Code variances, if they are pursued by the applicant.

4. The principal issues to be addressed on this appeal are:
 - 1) Did the King County Environmental Division have sufficient accurate information on which to make a threshold determination of non-significance, conditioned on the mitigations stated in the MDNS dated May 9, 1995? and

- 2) Based upon all the evidence presently available, will the current development proposal have a probable significant adverse impact upon the environment?

In considering both questions, substantial weight must be given to the decision of the responsible official. This means that the threshold determination is to be affirmed unless it is "clearly erroneous". To be judged clearly erroneous, the Examiner must have (based upon consideration of all the evidence and the provisions and policies of the governing statute and regulations) a definite and firm conviction that a mistake has been made.

5. The proposal for development of the property includes a pending application for a grading permit for construction of approximately 8.3 miles of roads, of which approximately 5.5 miles would be constructed along the alignment of existing logging roads. Filling and excavation would move approximately 198,800 cubic yards of material.

Ancillary requests currently pending are applications for variances from the Sensitive Areas chapter of the King County Zoning Code; application for variances from the King County Surface Water Design Manual; and application for variance from the King County Road Standards. Related applications for reasonable use exceptions from the Sensitive Areas Code are expected to be submitted.

6. Because the roadway system proposed by the current grading permit application is intended to serve 85 lots, which could not be developed for residential purposes without the road construction, the impacts of that future residential development are required to be considered in making this environmental threshold determination. (The recent segregation of the 1,710 acres into 84 lots was treated as exempt from State Environmental Policy Act (SEPA) review.)

Although the current SEPA threshold determination review did not initially consider future residential development which would be enabled by the road construction, the need to do so was ultimately recognized by the Environmental Division. Consequently the probable impacts of future residential development was considered by the responsible official prior to issuing the MDNS.

7. Substantial attention during the hearing was directed to the question whether the impacts of residential development on the 1,710-acre site should be limited to the development of 85 dwelling units on 84 existing 20-acre parcels and two new 10-acre parcels. The applicant proposes such a limitation, and the Environmental Division's MDNS incorporates a condition which requires recording of a covenant to that effect.

Although the enforceability of such a covenant by King County can be argued, it is clear that the present proposal is for development of not more than 85 single-family residences. Should future subdivisions and more intensive development be proposed by future owners, and be legally permissible in spite of the covenant, evaluation of environmental impacts of more intensive development would be required under the laws and regulations in effect at that time.

8. The subject property is located in an environmentally important area, and is characterized by topography and hydrological features that create substantial challenges for development without adverse environmental impact. The King County Surface Water Management Division has repeatedly stated:

"The site is located in the headwaters of Issaquah Creek, one of the three best lowland salmonid streams in King County. Due to their exceptional salmonid habitat and low level of disturbance, the Holder and Carey Creek tributaries which drain this site have been recognized as Regionally Significant Resource Areas. In addition, the site and downstream portions of the drainage basin feature many Class 1, 2, and 3 wetlands. The site has other environmental constraints. Large portions of the site are classified as erosion hazard areas, including substantial areas of highly erosive ice-contact soils. In addition, much of the site is above 1,000 feet in elevation, and is subject to rain-on-snow events and substantially higher rainfall than lowland areas. Finally, the Holder and Carey Creek subbasins contribute almost one-half of the streamflow to lower Issaquah Creek, a system that is prone to frequent flooding. When considered cumulatively, these resources and constraints make the Hobart Properties site one of the most challenging for

development within King County." Exhibit No. 22.08.

Location of the site in the headwaters of Issaquah Creek also makes it critically important to assure that development does not increase off-site flows which would exacerbate downstream flooding, or add to sedimentation that would endanger operation of the State fish hatchery and add phosphorous to Lake Sammamish. Furthermore, the property is adjacent to Seattle's 73-acre Cedar River Watershed, a major source of Seattle's water supply.

9. Approximately 100 wetland and riparian areas are on the site. The subject property encompasses approximately 50% of the head waters of Issaquah Creek. Numerous small tributaries to Holder and Carey Creeks begin within and flow through highly erodible soils on the subject property. Holder Creek, which flows along the northwestern boundary of the site, and Carey Creek, which flows through the subject property, join downstream to form the main stem of Issaquah Creek.

Issaquah Creek contributes approximately 70% of the flow into Lake Sammamish. Issaquah Creek is one of the three best lowland salmonid streams in King County, with exceptional natural salmonid habitat. A major fish hatchery is operated by the State on Issaquah Creek within the City of Issaquah. Substantial State, City, and citizen resources are currently being expended to enhance natural, as well as hatchery, salmonid use of the Issaquah Creek system.

Issaquah Creek is also susceptible to flooding, which periodically results in major downstream damage within the City of Issaquah. Additional sedimentation from this site would be likely to result in lowering the downstream channel capacity. Any increases in the rate of discharge of flows from this site during storm events would also exacerbate downstream flooding.

10. Lake Sammamish is in a near-eutrophic state, primarily as a result of phosphorous loading. Excessive phosphorous absorbs oxygen in the water, killing off algae, which form a foul-smelling scum on the surface of the water. Sedimentation from land development is a major contributor of phosphorous to Lake Sammamish.
11. Logging roads and trails on the subject property have historically been used as recreational facilities for hiking and horseback riding. Interconnections currently exist with off-site trails. The property has afforded recreational opportunities for nearby residents and to equestrian users from throughout the County. Until recently this recreational use has been with the acquiescence of the present and former owners of the property. Although it is questionable whether King County has the authority to impose conditions to mitigate the impact of this proposal on recreation, the loss of recreational use of the property would be a significant impact on the environment.
12. The subject property is utilized by a variety of wildlife common to that part of King County which lies east of the urbanized area. In addition to salmonids and aquatic species, the site is used by deer, elk, bear, cougar, other small mammals, and birds. There has been no meaningful study or analysis of the impact of this proposal on wildlife.
13. The property owner has proposed a number of alternative developments for the site during the past four years. All of the proposals identified during the course of this proceeding have been for limited logging, followed by residential development. A variety of residential densities and configurations have been proposed, ranging from the maximum density permitted by the G-5 zone (one dwelling unit per five acres) to the low density of one dwelling unit per 20 acres which is currently proposed.

Extensive negotiations concerning the nature of the residential development have occurred between the representatives of the property owner and King County agencies. It appears from the evidence that the primary interest of the applicant is to accomplish a reasonable development of the site at the earliest practical time. From the applicant's point of view, avoidance of an Environmental Impact Statement and limiting the need for other environmental studies has been a primary objective to enable early development. Exhibit No. 22.04. The applicant has demonstrated a desire to incorporate environmental considerations into the project, but an unwillingness to perform the research and studies which are necessary to assure that environmental impacts will, in fact, be mitigated to the maximum extent reasonable and capable of accomplishment.

The primary interest of the County is to permit a reasonable development which will have the least adverse impact upon the environment, consistent with applicable County policies and regulations. From the County's perspective, reduction in density of development is seen as a major benefit which will substantially reduce the environmental impact likely to result from development on the site.

The interests of the applicant and the County were both reasonably served by an agreement by the County to issue a Mitigated Determination of Environmental Non-Significance, obviating the need for an Environmental Impact Statement, in exchange for the applicant's covenant to limit development to not more than 85 dwelling units. An agreement of this nature is fully consistent with SEPA regulations unless the "proposal continues to have a probable significant adverse impact, even with mitigation measures". In that event, an EIS shall be prepared. WAC 197-11-350(2).

14. A "probable" impact means one which is likely or reasonably likely to occur. The word "probable" is used to distinguish likely impacts from those that merely have a possibility of occurring, but are remote or speculative. WAC 197-11-782. The probability of significant adverse impact must consider the nature of the proposed development and the mitigations and controls which will be applied through County regulations and the conditions of the MDNS.

A "significant" impact is one which would have, "...a reasonable likelihood of more than a moderate adverse impact on environmental quality". Determining what is "significant" involves consideration of context and intensity. Context may vary with the physical setting; intensity depends upon the magnitude and duration of an impact.

"The severity of an impact should be weighed along with the likelihood of its occurrence. An impact may be significant if its chance of occurrence is not great, but the resulting environmental impact would be severe if it occurred". WAC 197-11-794.

15. The process for making the threshold determination is outlined in WAC 197-11-330, et seq. These sections contain both procedural and substantive requirements. Procedurally, the regulations describe the documents to be reviewed, the opportunities to request and evaluate additional information, and the requirements for circulation of the threshold determination and consideration of the responses received as a result of that circulation.

Substantively, the responsible official is directed to consider:

- Mitigation measures which an agency or the applicant will implement as part of the proposal;
- That the same proposal may have a significant adverse impact in one location but not in another;
- The absolute quantitative effects of the proposal;
- That several marginal impacts considered together may result in a significant adverse impact; and,
- Significant adverse effects upon environmentally sensitive or special areas (WAC 197-11-330).

The responsible official is also directed not to balance whether beneficial aspects of a proposal outweigh its adverse impacts, but rather to consider whether a proposal has any probable significant adverse environmental impacts under the rules stated in WAC 197-11-330.

16. The purpose of an Environmental Impact Statement is to ensure that SEPA's policies are an integral part of government actions. WAC 197-11-400(1). It provides government decision makers and the public with information, including reasonable alternatives and mitigation measures, that would avoid or minimize adverse impacts or enhance environmental quality. WAC 197-11-400(2). This information is to be provided through a process which affords opportunity for participation by other governmental agencies with expertise and by the public.

It is generally acknowledged that the EIS preparation process has become unduly time-consuming, is costly, and is burdensome to applicants and government agencies. Recent legislation has set time parameters on the environmental review process, specifically addressing the length of time required for preparation of an Environmental Impact Statement. Ch. 347, Laws of 1995 (ESHB 1724). This legislative action is a recognition that the process has drawbacks; but ESHB 1724 is also a reaffirmation by the Legislature that the policies of the State Environmental Policy Act continue to be viable and relevant. In short, the procedural deficiencies are to be addressed, but the requirements for full environmental disclosure, when circumstances require it, remain in effect.

17. Much remains unknown concerning the site, the methods by which development will occur, and the likely impacts of the development on the environment. The conditions set forth in the MDNS, and the governmental regulations which are applicable to this proposed development, will require extensive additional information about the site, as well as implementation of mitigating measures consistent with ordinances and rules. Extensive requests for additional information already have been made by various County personnel concerning:

- Drainage;
- Location and analysis of steep slope and/or landslide hazard areas;
- Stability of proposed road cuts and fills;
- Review and analysis of culverts;
- Existing roadbed fill evaluation;
- Locations and methods of Carey Creek crossings, including alternatives;
- Locations and methods of tributary crossings;
- Lot access proposals and alternatives;
- Erosion impact analysis;
- Erosion control and monitoring;
- A map of all streams on the site; stream surveys (including stream habitat and channel stability conditions) for all streams potentially impacted by road and culvert work; and
- Wetland delineation and classification.

These requests do not relate to minor technical details, but go to the heart of the likelihood of environmental impacts and determining the best methods to avoid or mitigate those impacts. Whether specific conditions and requirements for impact avoidance and mitigation are ultimately imposed pursuant to regulatory ordinances, the substantive authority of SEPA or both, has little bearing on the need for adequate information on the probable significant adverse environmental impacts of the proposal.

18. Substantial reliance was placed by the responsible official on the premise that development will be regulated by the Sensitive Areas Code, the Surface Water Design Manual, County Road Standards, and Issaquah Basin Plan. However, requests for variances from the Sensitive Areas Code, Surface Water Design Manual, and Road Standards are already pending. The variances sought are not inconsequential matters, but include a request for relief from the requirements for detention of surface water run-off and authority for roads to cross steep slopes and wetlands.

Even reasonable use exceptions from the Sensitive Areas Code are likely to be submitted to allow for future lot development.

19. The property was divided in 1994 into 20-acre lots through an Assessor's segregation. This segregation was permitted without environmental or Sensitive Areas review. As a consequence, access roads and driveways may need to be constructed to serve lots in a manner which

disregards topographical considerations and opportunities to avoid or mitigate impacts by an alternative layout.

One of the policies of the Environmental Policy Act, as well as a requirement of the King County Sensitive Areas Code, is to seek to avoid impacts. Avoidance and reduction of adverse impacts on the environment can be furthered by evaluation of development alternatives. Analysis of alternatives occurs through an Environmental Impact Statement when one is prepared. WAC 197-11-402.

20. Surprisingly little documentation exists in the voluminous record to indicate that the adverse impacts of the proposed development on the environment would be below the threshold of probable and significant. With the exception of traffic, most of the written comments provided by other agencies with jurisdiction or expertise is to the contrary. The record indicates unusual reliance upon oral comments and undocumented analysis in support of the determination that there would be no probable significant adverse impacts.

In addition, several recitals of the MDNS are inaccurate "boilerplate". The responsible official did not review an amended Environmental Checklist and staff recommendation, did not review supporting documents listed therein; and did not consult with the agencies listed therein. None of the documents mentioned exist. There was no amended Environmental Checklist, and no written staff recommendation, and no listing of consulted agencies.

21. Written comments and testimony from the following agencies and witnesses on the likelihood of probable significant adverse impacts, and/or stating the need for additional information to evaluate impacts and mitigating measures, are compelling:

- Surface Water Management Division (Exhibit No. 22.19);
- DDES Site Development Specialist (Exhibit Nos. 22.16, 22.17, 22.26);
- Land Use Services Division Review Engineer (Exhibit No. 22.20);
- DDES Geologist (Exhibit Nos. 22.22, 22.27, and 42);
- DDES Stream Ecologist (Exhibit No. 22.23);
- DDES Wetlands Ecologist (Exhibit No. 22.24);
- Muckleshoot Indian Tribe, Watershed Coordinator (Exhibit No. 33); and
- Washington Department of Fish and Wildlife, Area Fishery Biologist (Exhibit No. 23.10).

In contrast, the evidence presented in support of the MDNS is primarily forward looking and generalized. Respondents anticipate that "appropriate" mitigations will be decided upon following further study, planning and permit review. The other major proposition advanced in support of the MDNS is that the low density of development and small percentage of the site which will be occupied by impervious surface will result in impacts which are less than significant.

CONCLUSIONS:

1. The conduct of the hearing on this appeal was consistent with applicable requirements of State law and County ordinance concerning consolidation of hearings on appeals of SEPA procedural determinations with the public hearing on the underlying applications.
2. The King County Environmental Division did not have sufficient accurate information concerning this proposal on May 9, 1995, to reasonably make a determination that the proposed development of 8.3 miles of roads and 85 residential lots would not have probable significant adverse impact on the environment. In particular, the Division had inadequate information concerning:

- A. The location, classification, salmonid use, flows, and streambed conditions of on-site streams;
 - B. The location, classification, type and functions of on-site wetlands;
 - C. The location, size and erodibility of natural slopes and filled areas existing and proposed on the site;
 - D. The extent to which erosion from construction associated with the proposed development would result in sediment transport off-site;
 - E. The extent of additional phosphorous loading to Lake Sammamish likely to result from the proposal;
 - F. Current surface water flows from the site, the extent to which the proposed development will add to peak rates, volume and duration of surface water run-off, and the impact on flooding in the Issaquah Creek floodplain;
 - G. Historic, recent and current use of the site for recreation;
 - H. Current wildlife use of the site; and
 - I. The availability, likely effectiveness, and reasonableness of specific methods to mitigate probable impacts of the proposed development on fish habitat, wetlands functions, erosion, sedimentation, flooding, recreation, and wildlife.
3. The argument and evidence that the low residential density, particularly the low percentage of impervious surface proposed, will limit environmental impacts, is appealing. However, although only a small percentage of the total Manke property will be built upon, which allows greater opportunity for mitigation, the area of development, in absolute terms, is considerable. The road construction alone will occupy 30 acres with intensive construction activity. There will be excavation and placing of more than 198,000 cubic yards of earth materials for 8.3 miles of roads, with asphaltting of the road surface. Scarification of 7.2 miles of additional gravel road is also proposed. At least 17 creek and tributary crossings are affected, and at least one additional significant wetland will be crossed. All of this activity, in an area as sensitive as this, cannot be discounted because it is within a large holding on which more intense activity could be proposed.
4. The proposed action, construction of 8.3 miles of roads (5.5 miles of which is on the alignment of existing logging roads), to enable development of 85 dwelling units on 83 20-acre parcels and two 10-acre parcels, in the upper Issaquah Creek Drainage Basin, will have a probable significant adverse impact on the environment with respect to downstream flooding, degradation of fish habitat, the water quality of Lake Sammamish, recreational use of the site and wildlife use of the site. The State Environmental Policy Act and Regulations require preparation and circulation of a detailed statement (Environmental Impact Statement) which:
- A. Describes and analyzes the extent of the foregoing impacts;
 - B. Identifies and analyzes the availability and reasonableness of measures to eliminate or mitigate the impacts;
 - C. Describes and analyzes reasonable alternatives to the proposed development; and
 - D. Otherwise conforms to the requirements of State law and regulations for the preparation of an EIS.
5. A principal purpose of the State Environmental Policy Act (SEPA) is to disclose and analyze the probable significant adverse impacts of a proposed action on the environment. The lack of sufficient information by the responsible official, at the time of issuance of the MDNS, concerning the proposed development, its impacts, and the mitigating measures to be implemented renders issuance of the MDNS clearly erroneous.

6. In light of the particularly sensitive area in which the subject property is located; the magnitude of damage to the environment which could occur as a result of the proposed action; and the likelihood and number of significant adverse impacts which could result; the failure to require preparation of an EIS for this action is clearly erroneous.

DECISION:

The appeals of the Hobart Rural Association and Rhys A. Sterling are GRANTED, and the Department of Development and Environmental Services is directed to prepare an Environmental Impact Statement in accordance with State law and regulations and the King County Code prior to action by King County on the proposed development.

ORDERED this 15th day of March, 1996.

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 15th day of March, 1996, to the following parties and interested persons:

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Dennis Canty, Surface Water Management Division
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Cyrilla Cook, Surface Water Management Division
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Marilyn Cox, DDES/Land Use Services Division
Ken Dinsmore, DDES/Bldg. Services
Tom Eksten, King County Parks
Don Finney, DDES/Land Use Services Division
Dr. Jonathan Frodge, Metro
Robert Fuerstenberg, Surface Water Management Division
Ikuno Masterson, DDES/Land Use Services Division
Paulette Norman, DDES/Land Use Services Division
Lisa Pringle, DDES/Land Use Services Division
Randy Sandin, DDES/Land Use Services Division
Chris Tiffany, DDES/Land Use Services Division
Bob Wood, DDES/Land Use Services Division

MINUTES OF THE FEBRUARY 5, 6, 8, 9, 12, 13, 15, AND 20, 1996 PUBLIC HEARING ON
DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NOS. L95G0002
AND L95VA002 - HOBART PROPERTIES (MANKE LUMBER):

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Ken Dinsmore, Chris Tiffany, Randy Sandin, Don Finney, Dennis Canty, Robert Fuerstenberg, Laura Casey, Cyrilla Cook, Paulette Norman, Nancy Brown, Tom Eksten, Jerry Cox, Dr. Jonathan Frodge, Jeff Eustis, Rhys Sterling, Harry Morgan, Lesley Morgan, Richard Wilson, Holly Manke White, Joanna Buehler, Karen Walter, Robert Pfeifer, Shari Marihugh, Steve Drew, Kathryn Taylor, John Kahan, Eric Erickson, James F. Conner, Leon Kos, Loran Petersen, Wayne Wright, Dr. Rhett Jackson, Garet Munger, and Brad Biggerstaff.

The following exhibits were offered and entered into the record:

February 5, 1996:

Exhibit No. 1	Grading Plan (33 pages), received December 30, 1994
Exhibit No. 2	Level 1 Drainage Analysis by Hugh Goldsmith & Associates, January 1992
Exhibit No. 3	Site Access Report by HNTB, dated May 1994
Exhibit No. 4	Report by Geotechnical Engineering Services dated December 29, 1994
Exhibit No. 5	Technical Information Report for Plum Creek - Hobart Site by ESM, dated December 1994, revised January 27, 1995
Exhibit No. 6	Issaquah Creek Basin and Nonpoint Action Plan, dated July 1995
Exhibit No. 7	Surface Water Management Variance Request File No. L95V0002
Exhibit No. 8	Environmental Checklist
Exhibit No. 9	Mitigated Determination of Non-Significance issued May 9, 1995
Exhibit No. 10	Copy of the May 23, 1995 appeal by the Hobart Rural Association, et al
Exhibit No. 11	Copy of the May 23, 1995 appeal by Rhys Sterling
Exhibit No. 12	Copy of the June 12, 1995 Notice of Appeal from Ken Dinsmore to James O'Connor
Exhibit No. 13	Withdrawn
Exhibit No. 14	Copy of February 6, 1995 memo from Paulette Norman, Senior Engineer, to Ken Dinsmore
Exhibit No. 15	Copy of March 16, 1995 memo from Cyrilla Cook, SWM, to Ken Dinsmore
Exhibit No. 16	Copy of March 31, 1995 letter with March 14, 1995 letter attached, from Robert Josephson of WSDOT
Exhibit No. 17	Copy of May 22, 1995 letter from Greater Maple Valley Area Council
Exhibit No. 18	Department of Development and Environmental Services Preliminary Report to the King County Hearing Examiner for the public hearing on

	DDES File Nos. L95G0002 & L92VA002
Exhibit No. 19	Principal Provisions of Declaration of Covenants, Conditions and Restrictions for Hobart and Plum Creek Properties
Exhibit No. 20	Pre-Hearing Order dated September 5, 1995
Exhibit No. 21	Order on Pre-Hearing Motions dated December 19, 1995
Exhibit No. 22.01	Copy of newspaper article, "Controversy flows down Issaquah Creek" appearing in January 17, 1996 <u>Issaquah Press</u>
Exhibit No. 22.02	Decision on Appeals of Determination of Environmental Non-Significance for the Iverson Short Plats, BALD File Nos. S90S0433 and S90S0434 dated June 5, 1992
Exhibit No. 22.03	June 9, 1992 Determination of Significance for BALD File No. S92P0001, Hobart Property
Exhibit No. 22.04	June 3, 1994 letter from Holly Manke to Dennis Canty, King County SWM
Exhibit No. 22.05	June 8, 1994 memo from DDES SEPA File on Manke Hobart property project
Exhibit No. 22.06	Colorized Sensitive Areas Map for Manke Hobart property with SAO Map Folio excerpts and Draft Issaquah Basin Plan excerpt
Exhibit No. 22.07	Excerpts from January 1992 Level 1 Drainage Analysis for Hobart Property by Goldsmith & Associates, Inc.
Exhibit No. 22.08	July 13, 1994 memo from Jim Kramer, SWM, to Gary Kohler, LUSD
Exhibit No. 22.09	August 9, 1994 memo from Jim Kramer, SWM, to Gary Kohler, LUSD
Exhibit No. 22.10	September 6, 1994 letter from Ken Dinsmore to Richard Wilson
Exhibit No. 22.11	September 9, 1994 letter from Richard Wilson to Ken Dinsmore
Exhibit No. 22.12	September 15, 1994 letter from Kenneth Dinsmore to Richard Wilson
Exhibit No. 22.13	December 30, 1994 application transmittal from ESM, Inc. to Chris Tiffany, LUSD
Exhibit No. 22.14	May 2, 1995 fax transmittal from Richard Wilson to Dave Haining, DDES
Exhibit No. 22.15	Manke Hobart Property grading permit application
Exhibit No. 22.16	February 14, 1995 letter from Chris Tiffany to Stuart Scheuerman
Exhibit No. 22.17	February 14, 1995 memo from Chris Tiffany to Don Finney, LUSD Senior Ecologist
Exhibit No. 22.18	June 8, 1995 memo from Chris Tiffany to Don Finney
Exhibit No. 22.19	March 16, 1995 memo from Cyrilla Cook, SWM, to Ken Dinsmore
Exhibit No. 22.20	June 26, 1995 letter from Joe Miles, DDES, to Charles Manke
Exhibit No. 22.21	July 13, 1995 letter from Rowan Hinds, Mayor of Issaquah, to Ken Dinsmore
Exhibit No. 22.22	July 17, 1995 memo from Nancy Brown, DDES, to Chris Tiffany
Exhibit No. 22.23	August 9, 1995 memo from Don Finney to Chris Tiffany
Exhibit No. 22.24	August 17, 1995 memo from Laura Casey, DDES Senior Ecologist, to Chris Tiffany
Exhibit No. 22.25	Diary entries by Chris Tiffany and meeting notes for October 26, 1995 by Randy Sandin
Exhibit No. 22.26	November 16, 1995 letter from Chris Tiffany to Holly Manke White
Exhibit No. 22.27	November 27, 1995 memo from Nancy Brown to Chris Tiffany
Exhibit No. 22.28	December 26, 1995 memo from Don Finney to Chris Tiffany
Exhibit No. 22.29	Diary entries by Chris Tiffany and notes from January 9, 1996 meeting
Exhibit No. 22.30	1994 King County Comprehensive Plan, Chapter Seven, Natural Environment and Areas Highly Susceptible to Ground Water Contamination
Exhibit No. 22.31	Excerpts from Chapter 173-200 WAC regarding State Antidegradation Policy for Groundwater
Exhibit No. 22.32	Excerpts from December 1994 Draft Issaquah Creek Valley Ground Water Management Plan
Exhibit No. 22.33	December 1992 Draft Ground Water and On-Site Sewage Disposal Systems: Establishing Density Criteria to Protect Ground Water Quality, by Melanie Kimsey, Department of Ecology
Exhibit No. 22.34	1994 King County Comprehensive Plan, Chapter Seven, Natural Environment, Fish and Wildlife Habitats and Networks
Exhibit No. 22.35	May 19, 1994 memo from Barbara Questad, SEPA, to Paulette Norman, Traffic Planning

Exhibit No. 22.36	May 31, 1994 memo from Paulette Norman to Ken Dinsmore
Exhibit No. 22.37	June 2, 1994 memo from Paulette Norman to Ken Dinsmore
Exhibit No. 22.38	February 6, 1995 memo from Paulette Norman to Ken Dinsmore
Exhibit No. 22.39	December 30, 1994 Road Standards Variance request for Manke Hobart property
Exhibit No. 22.40	Excerpts from 1993 King County Road Standards
Exhibit No. 22.41	Affidavit of John E. Peterson
Exhibit No. 22.42	Affidavit of Joyce M. Sterling
Exhibit No. 22.43	Declaration of Rhys A. Sterling
Exhibit No. 22.44	Affidavit of Carole L. Hapke
Exhibit No. 22.45	Affidavit of Joy L. Paulson
Exhibit No. 22.46	Declaration in Support of Public Easement by Edward M. Letcher
Exhibit No. 22.47	January 16, 1996 letter from Judy Cowden to Rhys Sterling
Exhibit No. 22.48	Declaration in Support of Public Easement by Rebecca Hope
Exhibit No. 22.49	Declaration in Support of Public Easement by Shari Marihugh
Exhibit No. 22.50	Declaration in Support of Public Easement by David R. Smith, D.V.M
Exhibit No. 22.51	Declaration in Support of Public Easement by Teri L. Letcher
Exhibit No. 22.52	Declaration in Support of Public Easement by Russell Sieck
Exhibit No. 22.53	Excerpts from KCC Chapter 20.44
Exhibit No. 22.54	Excerpts from KCC Chapter 20.12
Exhibit No. 22.55	1994 King County Comprehensive Plan, Chapter Ten, Parks, Recreation and Open Space
Exhibit No. 22.56	Ordinance No. 11575
Exhibit No. 22.57	Ordinance No. 11578
Exhibit No. 22.58	Excerpts from King County Charter, Sections 230 and 240
Exhibit No. 22.59	Excerpts from October 1984 Tahoma/Raven Heights Community Plan
Exhibit No. 22.60	October 1992 King County Regional Trails Plan
Exhibit No. 22.61	Ordinance No. 8657
Exhibit No. 22.62	Motion No. 8817
Exhibit No. 22.63	May 14, 1993 memo from Louis J. Haff, County Road Engineer, to Ann Dold, DDES
Exhibit No. 22.64	Errata sheet for Rhys Sterling Hearing Brief
Exhibit No. 22.65	Rhys Sterling Hearing Brief
Exhibit No. 23.01	Hobart Rural Association letter to Examiner dated January 20, 1996
Exhibit No. 23.02	Memo from Laura Casey letter to Chris Tiffany dated August 17, 1995
Exhibit No. 23.03	Memo from Don Finney letter to Chris Tiffany dated August 9, 1995
Exhibit No. 23.04	Memo from Nancy Brown to Chris Tiffany dated July 17, 1995
Exhibit No. 23.05	Memo from Jim Kramer to Gary Kohler dated July 13, 1994
Exhibit No. 23.06	June 18, 1992 letter from City of Issaquah to Ann Dold, SEPA (scoping letters submitted for EIS of File No. S92P0001)
Exhibit No. 23.07	King County preliminary scope of work for EIS of File No. S92P0001
Exhibit No. 23.08	Attachment to Issaquah Creek Basin Plan Adoption Ordinance
Exhibit No. 23.09	Copy of newspaper article, "Hatchery's fate cloudy as creek water", from May 5, 1993 <u>Issaquah Press</u>
Exhibit No. 23.10	Letter from Bob Pfeifer dated January 16, 1996
Exhibit No. 23.11	Letter from Shari Marihugh dated December 19, 1995
Exhibit No. 23.12	Color location map of Hobart property
Exhibit No. 23.13	Black & white topographical map of Hobart property
Exhibit No. 23.14	King County Comprehensive Plan map "Wildlife Habitat Network"
Exhibit No. 23.15	King County Comprehensive Plan map "Areas Highly Susceptible to Ground Water Contamination"
Exhibit No. 23.16A	Save Lake Sammamish testimony by Joanna Buehler
Exhibit No. 23.16B	Chart: Mean June-September Chlorophyll a- transparency relationship in selected lakes within King County
Exhibit No. 23.16C	Press Release dated August 9, 1995: Executive Locke Launches Partnership to Preserve Lake Sammamish
Exhibit No. 23.16D	Resume of Joanna Buehler
Exhibit No. 23.16E	Lake Sammamish Total Phosphorous Model, SWM, dated July 1995
Exhibit No. 23.17	Current/Future Conditions & Source Identification Report - Issaquah Creek Basin (1991)
Exhibit No. 23.18	Not offered
Exhibit No. 24	Amendment to DDES Staff Report - memo to Examiner from Randy

Exhibit No. 25 Sandin dated January 30, 1996
Exhibit No. 26 Hobart Site Sensitive Areas Map
Exhibit No. 27 Eric Erickson statement, February 5, 1996
Exhibit No. 28 James F. Conner statement, February 5, 1996
Letter to Examiner from Rowan Hinds, Mayor, City of Issaquah, dated January 30, 1996
Exhibit No. 29 Letter dated July 13, 1995 from Mayor Hinds to Ken Dinsmore
Exhibit No. 30 Letter dated July 13, 1995 from Mayor Hinds to Gary Locke, King County Executive
Exhibit No. 31 Information received from King County by City of Issaquah re: instant case

February 6, 1996:

Exhibit No. 32 Determination of Non-Significance for Issaquah Creek Basin Plan, December 21, 1992
Exhibit No. 33 Testimony of Karen Walter, Muckleshoot Indian Tribe, February 6, 1996
Exhibit No. 34 Testimony of Kathryn Taylor, February 6, 1996

February 8, 1996:

Exhibit No. 35 King County Ordinance No. 11886 adopting Issaquah Creek Basin Plan, July 10, 1995
Exhibit No. 36A-G Illustrative data submitted by Robert Pfeifer at hearing February 8, 1996, re: fish habitat in Issaquah Creek Basin
Exhibit No. 37 Letter from Wayne Wright to Holly Manke White, dated August 29, 1995

February 9, 1996:

Exhibit No. 38 Page 27 from King County Zoning Atlas
Exhibit No. 39 Copy of SEPA Section Document Transmittal Form
Exhibit No. 40 Letter to LUSD from GeoEngineers, dated August 29, 1995

February 12, 1996:

Exhibit No. 41 Memo to Steve Bottheim and Nancy Brown from GeoEngineers, with attachment, dated September 29, 1995
Exhibit No. 42 Memo to GeoEngineers from Nancy Brown, dated October 24, 1995
Exhibit No. 43 Memo to Chris Tiffany from Nancy Brown, dated November 27, 1995
Exhibit No. 44A Video taken by Lesley Morgan February 8, 1996, showing flooding in Holder, Carey, and Issaquah Creeks
Exhibit No. 44B Notes accompanying video, by Lesley Morgan
Exhibit No. 45 Dept. of Natural Resources map of Tiger Mountain State Forest, August 1989

February 13, 1996:

Exhibit No. 46 Sample grading permit submitted by Chris Tiffany
Exhibit No. 47 Map showing culverts and sub-basins on subject site, with new roads marked in green by Chris Tiffany
Exhibit No. 48 Letter from Dick Theil re new and updated SWM Design Manual, with attachment, dated February 10, 1995
Exhibit No. 49 Excerpt from SWM Design Manual: Chapter 5 - Temporary Erosion and Sedimentation Control, dated November 1994
Exhibit No. 50 Fax to Examiner from Nina Johnson, sent February 7, 1996
Exhibit No. 51 Resume of Loran Petersen
Exhibit No. 52 Written statement submitted by Loran Petersen at hearing February 13, 1996
Exhibit No. 53A Preliminary plat submittal for 347 lot subdivision on subject site (6 pages)

Exhibit No. 53B Preliminary plat submittal for 254 lot revision of Exhibit No. 53A (6 pages)
Exhibit No. 54 Resume of Wayne Wright
Exhibit No. 55 Written statement submitted by Wayne Wright at hearing February 13, 1996

February 15, 1996:

Exhibit No. 56 Memo from Loran Petersen to Richard Wilson, dated February 15, 1996
Exhibit No. 57 Letter to Building & Land Development Division from Hugh Goldsmith & Associates, dated July 23, 1991
Exhibit No. 58 Rain on Snow Event Map
Exhibit No. 59 SWM Issue Paper: "Forestry Practices & Flood Levels", May 10, 1990
Exhibit No. 60 Chart of Development Controls with King County and Forest Practice Standards shown
Exhibit No. 61 Letter from Building & Land Development Division to Richard Wilson re: SEPA conditions, dated June 8, 1988
Exhibit No. 62 Resume of Dr. Rhett Jackson
Exhibit No. 63 Memo dated February 2, 1996 to Richard Wilson from Rhett Jackson
Exhibit No. 64 Memo dated February 7, 1996 to Examiner from Rhett Jackson
Exhibit No. 65 Appendix G of Issaquah Creek Basin Plan
Exhibit No. 66 Letter from Garet Munger to Richard Wilson, with Munger resume attached, dated February 2, 1996

February 20, 1996:

Exhibit No. 67 Letter from Brad Biggerstaff of GeoEngineers to Examiner, with attachments (in spiral binder)
Exhibit No. 68A-B Kroll map pages 22-7-33 and 23-7-34
Exhibit No. 69 Daily Rainfall Sheets maintained by Lesley Morgan for SWM
Exhibit No. 70 Memo to Lesley Morgan from SWM, dated February 16, 1996, with attachments
Exhibit No. 71 Fax dated February 14, 1996 to Examiner from John Dunton, Trout Unlimited (not admitted)
Exhibit No. 72 Geotechnical Report dated December 28, 1994 by GeoEngineers, with map attached
Exhibit No. 73 Letter dated October 6, 1995 to LUSD from Brad Biggerstaff
Exhibit No. 74 Report Addendum dated December 22, 1995, by GeoEngineers
Exhibit No. 75 Memo dated February 19, 1996 to Examiner from Richard Wilson, offering additional and clarifying mitigating conditions by applicant
Exhibit No. 76 MDNS for DDES File No. L95G0087, Uplands Phase I, with SEPA Document Transmittal Form

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